

Appendix A2

Administering Authority Discretions - Statutory

Local Government Pension Scheme Regulations 2013 (and relevant earlier regulations)

Where a discretion reflects a similar discretion from an earlier set of regulations this has also been included and referenced in this section. For example the discretion to “decide to whom a death grant should be paid” is common to all sets of regulations and it is assumed that an administering would wish to maintain a consistent policy regarding its exercise, no matter under which set of regulations the member retired.

Regulation	Description	Existing Policy
30(8) of the LGPS Regulations 2013	Whether to waive, in whole or in part, actuarial reduction on benefits accrued from 1 April 2014 only when a member voluntarily draws them before normal pension age in the event that the member’s former employer is no longer a scheme employer. Whether to waive, in whole or in part, actuarial reduction on benefits which a member draws on flexible retirement grounds.	No existing policy * to form as and when required
55 of the LGPS Regulations 2013	To publish a Governance Compliance Statement in accordance with this regulation	Available on the ESCC website https://new.eastsussex.gov.uk/jobs/workingateastsussexcounty/council/pensions/financial/download/
58 of the LGPS Regulations 2013	Decide on funding strategy for inclusion in funding strategy statement	To be updated at the 2016 valuation once the new CIPFA guidance is available (expected July 2016).
61 of the LGPS Regulations 2013	To publish a Communication Policy in accordance with this regulation	Available on the ESCC website https://new.eastsussex.gov.uk/jobs/workingateastsussexcounty/council/pensions/financial/download/

Regulation	Description	Existing Policy
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Administering Authority Discretions - Statutory

Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014

This section contains the key discretions about which an administering authority should (and in some cases must) have a written policy statement. Where a discretion reflects a similar discretion from an earlier set of regulations this has also been included and referenced in this section.

Regulation	Description	Existing Policy
3(13) of the LGPS (Transitional Provisions and Savings) Regulations 2014 And 70(1) and 71(4)(c) of the LGPS (Administration) Regulations 2008 109 & 110(4)(b) of the LGPS Regulations 1997	Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment	Available on the ESCC website https://new.eastsussex.gov.uk/jobs/workingateastsussexcounty/pensions/existingmembers
Schedule 2 para 1 of the LGPS (Transitional Provisions and Savings) Regulations 2014	Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 where the employer no longer exists . This applies under the Local Government Pension Scheme Regulations 2013 only (i.e. currently does not apply to the early payment of deferred benefits payable under earlier Regulations)	No existing policy * to form as and when required

Administering Authority Discretions - Statutory

Discretions in relation to the Local Government Pension Scheme (Benefits Membership and Contributions) Regulations 2007

This section contains discretions applicable to scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014. Where a discretion reflects a similar discretion from an earlier set of regulations this has also been included and referenced in this section. Discretions under these regulations which have a corresponding discretion in later regulations have been included under that set of regulations only.

Regulation	Description	Existing Policy
30(2) and 30A(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007	Consenting to the immediate payment of benefits for members aged between 55 and 60 where the member's former employer is no longer a scheme employer.	No existing policy * to form as and when required
30(5) and 30A(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007	To waive actuarial reduction where former employer is no longer a scheme employer.	No existing policy * to form as and when required

Administering Authority Discretions – non statutory

Local Government Pension Scheme Regulations 2013 (and relevant earlier regulations)

Where a discretion reflects a similar discretion from an earlier set of regulations this has also been included and referenced in this section. For example the discretion to “decide to whom a death grant should be paid” is common to all sets of regulations and it is assumed that an administering would wish to maintain a consistent policy regarding its exercise, no matter under which set of regulations the member retired.

Regulation	Description	Existing Policy
4(2)(b) of the LGPS Regulations 2013	Whether to agree to an admission agreement with a Care Trust, NHS Scheme employing authority or care Quality Commission	
3(5) and Schedule 2, Part 3 para 1 of the LGPS Regulations 2013	Whether to agree to an admission agreement with a body applying to be an admission body	Currently under delegation of powers with the CFO
Schedule 2, part 3, para 12(a)	Define what is meant by employed in connection with	
Schedule 2 Part 3 para 9(d) of the LGPS Regulations 2013	Whether to terminate a transferee admission agreement in the event of - insolvency, winding up or liquidation of the body - breach by that body of its obligations under the admission agreement - failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so	Covered in the FSS (p14).
16(1) of the LGPS Regulations 2013	Whether to turn down a request by a member to pay an Additional Pension Contribution or Shared Cost Additional Pension Contribution over a period of time where it would be impractical to	No existing policy

Regulation	Description	Existing Policy
	allow such a request (e.g. where the sum being paid is very small and could be paid as a single payment)	
16(10) of the LGPS Regulations 2013	Whether to require a satisfactory medical before agreeing to an application to pay an Additional Pension Contribution or Shared Cost Additional Pension Contribution	No existing policy
17(12) of the LGPS Regulations 2013	Decide to whom any AVC/Shared Cost AVC monies (including life assurance monies) are to be paid on death of the member	No existing policy
22(3)(c) of the LGPS Regulations 2013	Pension account may be kept in such form as is considered appropriate	
40(2), 43(2) and 46(2) of the LGPS Regulations 2013 17(5) to (8) of the Transitional Provisions and Savings Regulations) 23(2), 32(2) and 35(2) of the LGPS (Benefits, Membership and Contributions) Regulations 2007 38(1) and 155(4) of the LGPS 1997 Regulations E8 of the LGPS	Decide to whom a death grant should be paid	No existing policy

Regulation	Description	Existing Policy
Regulations 1995		
32(7) of the LGPS Regulations 2013	Whether to extend the time limits within which a member must give notice of the wish to draw benefits before normal pension age or upon flexible retirement	No existing policy
34(1) of the LGPS Regulations 2013 39 of the LGPS (Benefits, Membership and Contributions) Regulations 2007 49 and 156 of the LGPS Regulations 1997	Decide whether to commute small pension	No existing policy
36(3) of the LGPS Regulations 2013 56(2) of the LGPS (Administration) Regulations 2008 97(10) of the LGPS Regulations 1997	Approve medical advisors used by employers (for ill health benefits)	No existing policy
38(3) of the LGPS Regulations 2013 And 31(4) of the LGPS (Benefit, Membership and Contributions)	Decide whether a deferred beneficiary meets the criteria required to qualify for ill-health retirement in cases where the member's former employer is no longer a scheme employer.	

Regulation	Description	Existing Policy
Regulations 2007		
38(5) of the LGPS Regulations 2013 And 31(7) of the LGPS (Benefit, Membership and Contributions) Regulations 2007	Decide whether a suspended ill health tier 3 member meets the criteria for ill health retirement in cases where the member's former employer is no longer a scheme employer	
38(6) of the LGPS Regulations 2013	Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health (where Employer has become defunct)	
49(1)(c) of the LGPS Regulations 2013 42(1)(c) of the LGPS (Benefits, Membership and Contributions) Regulations 2007	Decide, in the absence of an election from the member, which benefit is to be paid where the member would be entitled to a benefit under 2 or more regulations in respect of the same period of Scheme membership	
54(1) of the LGPS Regulations 2013	Whether to set up a separate admission agreement fund	No existing policy
59 (1) and (2) of the LGPS Regulations 2013	Whether to have a written pensions administration strategy and, if so, the matters it should include	Being developed

Regulation	Description	Existing Policy
64 (2A) of the LGPS Regulations 2013	Whether to suspend, for up to 3 years, an employer's obligation to pay an exit payment where the employer is again likely to have active members within the specified period of suspension.	no policy as yet, will form part of the cessation policy that should be written and signed off by the end of 2016
64(4) of the LGPS Regulations 2013	Whether to obtain revision of employer's contribution rate if there are circumstances which make it likely a Scheme employer will become an exiting employer	no policy as yet, will form part of the FSS & cessation policy in 2016.
68(2) of the LGPS Regulations 2013 80(5) of the LGPS 1997 Regulations	Whether to require employers to pay for pension strain when benefits are drawn early or with a reduced reduction.	contained in the FSS
69(1) of the LGPS Regulations 2013	Decide frequency of payments to be made over to Fund by employers and whether to make an admin charge.	To be contained within administration strategy statement
69(4) of the LGPS Regulations 2013	Decide form and frequency of information to accompany payments to the Fund	No policy however the Fund provides a template form for employers to use
70 of the LGPS Regulations 2013 And regulation 22(2) of the Transitional Provisions and Savings Regulations 2014	Whether to issue employer with notice to recover additional costs incurred as a result of the employer's level of performance	
71(1) of the LGPS	Whether to charge interest on payments by employers which are	Will form part of the 2016/17 administration strategy

Regulation	Description	Existing Policy
Regulations 2013	overdue	statement
76(4) of the LGPS Regulations 2013 And 60(8) of the LGPS (Administration) Regulations 2008 And 99 of the LGPS Regulations 1997	Decide procedure to be followed by admin authority when exercising its stage two IDRPs functions and decide the manner in which those functions are to be exercised	
79(2) of the LGPS Regulations 2013 And 63(2) of the LGPS (Administration) Regulations 2008 And 105(1) of the LGPS Regulations 1997	Whether admin. authority should appeal against employer decision (or lack of a decision)	
80(1)(b) of the LGPS Regulations 2013 And regulation 22(1) of the Transitional Provisions and Savings Regulations 2014 And 64(1)(b) of the LGPS (Administration)	Specify information to be supplied by employers to enable admin. authority to discharge its functions	Will form part of the 2016/17 administration strategy statement

Regulation	Description	Existing Policy
Regulations 2008		
82(2) of the LGPS Regulations 2013 52(2) of the LGPS (Administration) Regulations 2008 95 of LGPS Regulations 1997	Whether to pay death grant due to personal representatives or anyone appearing to be beneficially entitled to the estate without need for grant of probate / letters of administration where payment is less than amount specified in s6 of the Administration of Estates (Small Payments) Act 1965	No existing policy
83 of the LGPS Regulations 2013 52A of the LGPS (Administration) Regulations 2008	Whether, where a person (other than an eligible child) is incapable of managing their affairs, to pay the whole or part of that person's pension benefits to another person for their benefit.	No existing policy
98(1)(b) of the LGPS Regulations 2013	Agree to bulk transfer payment	No existing policy
100(6) of the LGPS Regulations 2013	Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS (in agreement with the employer)	No existing policy
100(7) of the LGPS Regulations 2013	Allow transfer of non-club pension rights into the Fund	No policy (implied in the FSS)
105(2) of the LGPS Regulations 2013	Decide whether to delegate any administering authority functions under the Regulations	See Section 12, table 5 of Part 3 or ESCC Constitution
106(3) of the LGPS Regulations 2013	Decide whether to establish a joint local pension board once approval has been granted by the Secretary of State	Not applicable

Regulation	Description	Existing Policy
106(6) of the LGPS Regulations 2013	Decide procedures applicable to the local pension board	
107(1) of the LGPS Regulations 2013	Decide appointment procedures, terms of appointment and membership of local pension board	See Section 1, table 5 of Part 3 or ESCC Constitution
Schedule 1 of the LGPS Regulations 2013 17(9) of the Transitional Provisions and Savings Regulations 2014	Decide to treat child as being in continuous education or vocational training despite a break	No existing policy
Schedule 1 of the LGPS Regulations 2013 Regulation 17(9)(b) of the Transitional Provisions and Savings Regulations 2014 25 of the LGPS (Benefits, Membership and Contributions) Regulations 2007	Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member	No existing policy

Administering Authority Discretions – non statutory

Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014

This section contains the key discretions about which an administering authority should (and in some cases must) have a written policy statement. Where a discretion reflects a similar discretion from an earlier set of regulations this has also been included and referenced in this section.

Regulation	Description	Existing Policy
3(1) and Schedule 2 para 2(1) of the LGPS (Transitional Provisions and Savings) Regulations 2014	In the event that a deferred member is drawing benefits early and that member's former employer is no longer a scheme employer, to determine whether; To waive any reductions that would apply to the member's service which is fully protected for the rule of 85 on compassionate grounds. To waive any reductions that would apply to the member's service which is not fully protected for the rule of 85 on any grounds whatsoever.	Note – suggest a consistent approach here that ties in with LGPS 2014 Regulation 30(8)
Schedule 2, para 2(3) of the LGPS (Transitional Provisions and Savings) Regulations 2014	Whether to require any strain on Fund costs to be paid "up front" by employing authority if the employing authority "switches on" the 85 year rule for a member voluntarily retiring (other than flexible retirement) prior to age 60, or waives an actuarial reductions.	No existing policy

Regulation	Description	Existing Policy
3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b) of the LGPS (Transitional Provisions and Savings) Regulations 2014 and 10 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 and Schedule 1 to the LGPS (Transitional Provisions) Regulations 2008 and Regulation 23(9) to the LGPS Regulations 1997	Where member to whom regulation 10 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 applies (use of average of 3 years pay for final pay purposes) dies before making an election, whether to make that election on behalf of the deceased member. Or where a member has a certificate of protection in place in respect of a pay cut or restriction prior to April 2008 and dies before making an election to make an election on behalf of the member.	No existing policy

Regulation	Description	Existing Policy
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10(9) of the LGPS (Transitional Provisions and Savings) Regulations 2014	Decide, in the absence of an election from the member within 12 months of ceasing a concurrent employment, which ongoing employment benefits from the concurrent employment which has ceased should be aggregated (where there is more than one ongoing employment)	No existing policy
15(1)(b) of the LGPS (Transitional Provisions and Savings) Regulations 2014 And 66(9) (b) and 66(9)(b) of the LGPS Regulations 1997	Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership (where AVC arrangement was entered into before 13 November 2001)	No existing policy
15(1)(c) of the LGPS (Transitional Provisions and Savings) Regulations 2014 And Schedule 1 of the LGPS (Transitional Provisions) Regulations 2008 And 83(5) of the LGPS Regulations 1997	Extend time period for capitalisation of added years contract	No existing policy

15(1)(d) of the LGPS (Transitional Provisions and Savings) Regulations 2014 And 28(2) of the LGPS (Administration) Regulations 2008	Whether to charge member for provision of estimate of additional pension that would be provided by the Scheme in return for transfer of in house AVC/SCAVC funds (where AVC/SCAVC arrangement was entered into before 1/4/14)	
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Administering Authority Discretions – non statutory

Discretions in relation to the Local Government Pension Scheme (Benefits Membership and Contributions) Regulations 2007

This section contains discretions applicable to scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014. Where a discretion reflects a similar discretion from an earlier set of regulations this has also been included and referenced in this section. Discretions under these regulations which have a corresponding discretion in later regulations have been included under that set of regulations only.

Regulation	Description	Existing Policy Located and Comments
27(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007 47(2) of the LGPS Regulations 1997 G11(2) of the LGPS Regulations 1995	Payment of a child's pension to another person	No existing policy

Administering Authority Discretions

Discretions in relation to the Local Government Pension Scheme (Administration) Regulations 2008

Regulation	Description	Existing Policy Located and Comments
45(3) of the LGPS (Administration) Regulations 2008 And 89(3) of the LGPS Regulations 1997	Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits	No existing policy

Administering Authority Discretions – non statutory

Discretions in relation to the Local Government Pension Scheme Regulations 1997 (The 1997 Pension Regulations) (some may continue to apply in relation to historical cases or councillors)

This section contains discretions applicable to scheme members who ceased active membership on or after 1 April 1998 and before 1 April 1995. Where a discretion reflects a similar discretion from an earlier set of regulations this has also been included and referenced in this section. Discretions under these regulations which have a corresponding discretion in later regulations have been included under that set of regulations only.

Regulation	Description	Existing Policy Located and Comments
47(1) of the LGPS Regulations 1997 G11(1) of the LGPS Regulations 1995	Apportionment of children's pensions	No existing policy
50 and 157 of the LGPS Regulations 1997	Commute benefits due to exceptional ill health	No existing policy
118 of the LGPS Regulations 1997	Retention of CEP where member transfers out for pre 1 April 2008 leavers	No existing policy
147 of the LGPS Regulations 1997	Discharge Pension Credit liability (in respect of Pension Sharing Orders for pre 1 April 2008 leavers	No existing policy

Administering Authority Discretions – non statutory

Discretions in relation to the Local Government Pension Scheme Regulations 1995 (the “1995 Pension Regulations”)

This section contains discretions applicable to scheme members who ceased active membership before 1 April 1998. Where a discretion reflects a similar discretion from an earlier set of regulations this has also been included and referenced in this section. Discretions under these regulations which have a corresponding discretion in later regulations have been included under that set of regulations only.

Regulation	Description	Existing Policy Located and Comments
F7(1) of the LGPS Regulations 1995	Suspension of spouses' pensions during remarriage or cohabitation	No existing policy